

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5890 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.5383/2007 Dated 07/09/2007
CRIME NO. 328/2007 of AMBALAPUZHA POLICE STATION
.....

PETITIONER/ACCUSED NO.1

P.RADHAKRISHNAN, S/O.PADMANABHAN,
AGED 56 YEARS, THAIPARAMBU HOUSE,
KOMANAM, AMBALAPUZHA.

BY ADV. SRI.M.R.SUDHEENDRAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, AMBALAPUZHA,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. S.U. NAZER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
= = = = =
B.A.No. 5890 of 2007
= = = = =

Dated this the 1st day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the first accused. He faces allegations for the offences punishable under Section 420 IPC. The petitioner is the Secretary of the SNDP branch at Komana. Altogether there are 4 accused persons. The crux of the allegations against the accused persons is that they fraudulently induced investors to part with money making false allegations. Money was paid by them but was not returned to them by the petitioner. Accused allegedly misrepresented that they have requisite authority to run such financial establishment. Investigation is in progress. The petitioner apprehends imminent arrest. I have today in B.A.No.5889 of 2007 considered the similar claim of the petitioner in another crime for anticipatory bail. I am satisfied that the reason which have referred to in the said order, the petitioner is not entitled for anticipatory bail in this case also.

2. I find no features suggesting the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This is a fit case where the petitioner must appear before the learned Magistrate and seek regular bail in the ordinary and normal course.

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3. In the result, this petition is dismissed. Needless to say, if the petitioner appears before the Investigating Officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

**Sd/-
(R.BASANT, JUDGE)**

sj

/TRUE COPY/

P.A.TO JUDGE